

Integrated Pest Management Act **and Regulation**

Vendors' Review Paper

This is a summary prepared to provide general guidance on the use of pesticides in British Columbia. This is not a legal document and the contents should not be relied upon for legal purposes. In all cases the *Integrated Pest Management Act* and Regulation will prevail. Copies of the Act and Regulation may be obtained through the Queen's Printer.



Integrated Pest Management Program

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1. Introduction – Purpose of this Review Paper

This review paper provides information drawn from the *Integrated Pest Management (IPM) Act* and Regulation that will be of particular interest to **pesticide vendors**. The *IPM Act* and Regulation were brought into force on December 31, 2004, replacing the *Pesticide Control Act*. The IPM Regulation was subsequently amended in December 2015, with new requirements coming into force on July 1, 2016. This legislation sets out requirements for the use and sale of pesticides in British Columbia.

This document presents a lay summary of requirements specified in the *IPM Act* and Regulation for pesticide vendors. Additional information – including a summary overview, other industry sector reviews of the Act and Regulation and links to application forms and the legislation – can be found on the IPM Program webpage at: www.gov.bc.ca/PestManagement.

2. General Information

2.1 Who administers the *IPM Act*?

The BC Ministry of Environment is responsible for the protection of human health and the environment in British Columbia. The Integrated Pest Management (IPM) Program of the ministry promotes IPM and environmental stewardship, and ensures compliance with the *Integrated Pest Management Act* and Regulation.

The Act mandates the appointment of an **Administrator** for the legislation, with powers and duties to issue, amend or revoke licences, certificates or permits – as well as to delegate specific duties to assistant administrators, and to designate inspectors (employees of provincial, federal or local government). The legislation includes provisions for appeals of the Administrator’s decisions to the Environmental Appeal Board (established under authority of the *Environmental Management Act*), and for establishment of an IPM Committee with representatives of identified government regulatory agencies to review issues referred to it by the Administrator.

2.2 What does the Act regulate? How?

The *Integrated Pest Management Act* and Regulation establish conditions for the sale and use of pesticides through a classification system, and regulatory provisions and standards for: licences, certificates, permits, and Pesticide Use Notices (PUNs) under Pest Management Plans (PMPs). The Regulation also contains public notification, consultation, reporting and record keeping provisions – as well as standards for use of integrated pest management and for human health and environmental protection.

Under the *IPM Act*, a person must not “use a pesticide that causes or is likely to cause, or use, handle, release, transport, store, dispose of, or sell a pesticide in a manner that causes or is likely to cause an unreasonable adverse effect.” This general prohibition, in concert with use of Integrated Pest Management (IPM), underpins the ministry’s approach to regulation of pesticide use in British Columbia.

Key Regulatory Tools and Processes under the *IPM Act*:

Pesticide classes: using definitions, labeling and other standards set out in the federal *Pest Control Products Act*

Licences: for sale or use of specified pesticides

Certificates: for dispensing or applying specified pesticides

Permits: for use of pesticides of particular concern

Pest Management Plans and pesticide use notices: for specified large scale programs that require IPM plans and ministry notification

2.3 How is Integrated Pest Management (IPM) defined under the Act?

Because it requires a proactive and preventative approach, IPM reduces reliance on pesticides and can lead to a reduction in their use. The Act and Regulation require the use of Integrated Pest Management (IPM) for pesticides use:

- ◆ on public land;
- ◆ on private land used for forestry, transportation, public utilities and pipelines;
- ◆ on private commercial land for the purposes of landscaping;
- ◆ inside rooms used as living accommodation, or in common areas of a multi-residence building **on private land** and containing four or more separate units;¹
- ◆ on outdoor areas, to which one or more occupier has access, of a multi-residence property **on private land** and containing four or more separate units; and
- ◆ for pest control service companies.

The Act defines IPM as “a process for managing pest populations that includes the following elements:

- a. Planning and managing ecosystems to prevent organisms from becoming pests;
- b. Identifying pest problems and potential pest problems;
- c. Monitoring populations of pests and beneficial organisms, damage caused by pests and environmental conditions;
- d. Using injury thresholds in making treatment decisions;
- e. Suppressing pest populations to acceptable levels using strategies based on considerations of:
 - Biological, physical, cultural, mechanical, behavioural and chemical controls in appropriate combinations,
 - Environmental and human health protection; and
- f. Evaluating the effectiveness of pest management treatments.”

2.4 What is a “pesticide” and how are pesticides classified under the Act?

A **pesticide** is defined under the Act as a “micro-organism or material that is represented, sold, used or intended to be used to prevent, destroy, repel or mitigate a pest.” This includes growth regulators, defoliators or desiccants; control products defined in the federal *Pest Control Products Act*; and other substances classed as a pesticide by regulation.

A number of micro-organisms, substances and control products are explicitly excluded from the definition of pesticide:

- ◆ Instruments or “gadgets” that are used as a means to control pests (directly or indirectly), e.g., a trap;
- ◆ Control products used to control arthropods on or in humans, livestock or domestic animals – and are administered internally by mouth or injection;
- ◆ Control products used to attack viruses, bacteria or other micro-organisms with the aim of treating, mitigating or preventing disease in humans or animals; and
- ◆ Control products used to attack mould, mildew or odors (except when used as a wood preservative).

¹ This provision does not apply if an occupier of the living accommodations uses the pesticide only within his or her own living accommodations.

The *IPM Act* and Regulation establish **classes** of pesticides, and requirements for licences, certificates, permits and pesticide use notices for each class. The classification system utilizes definitions, labeling and other standards for sale and use of pesticides set out in the federal *Pest Control Products Act*. Pesticide classes under the *IPM Act* are:

- ◆ **Permit-restricted:** the most strictly controlled pesticides, because the Administrator considers that the risk of unreasonable adverse effects from their use should be evaluated for each proposed use, requiring a permit for purchase or application;²
- ◆ **Restricted:** a pesticide labeled under the federal Act with the product class designation “RESTRICTED” (and not a permit-restricted or excluded pesticide), requiring a pesticide applicator certificate for purchase or use;
- ◆ **Commercial:** a pesticide that bears a product class designation on its label that is acceptable under the federal Act in relation to its general use in “commercial,” “industrial,” “agricultural” or other commercial activities (and is not a permit-restricted or excluded pesticide);
- ◆ **Domestic:** required under the federal Act to be labeled with the product class designation “DOMESTIC” (and not an excluded pesticide) or pesticides that are contained in a fertilizer registered under the *Fertilizer Act* (Canada); and
- ◆ **Excluded:** specified pesticides assigned to this class because the Administrator considers that their use – without requirement for a licence, permit³ or pesticide use notice – will not increase the risk of unreasonable adverse effects (see list of excluded pesticides on the following page). Excluded pesticides are listed in Schedule 2 of the IPM Regulation.

The following table provides a summary of requirements for each class of pesticide under the *IPM Act* and Regulation. Excluded pesticides named in the Regulation are listed on the following page.

² Permit-restricted pesticides listed in the Regulation are 4-aminopyridine, strychnine used to control bird populations and monosodium methanearsonate (MSMA).

³ Note that the Administrator may require a permit for a specified use of an excluded pesticide in some circumstances (e.g., aerial application).

Summary of Requirements for each Class of Pesticide Under the *IPM Act* and Regulation

Requirements	Pesticide Classes				
	Permit-restricted	Restricted	Commercial	Domestic	Excluded
Permit required for purchase and all uses	Yes	No	No	No	No
Applicator certificate required for purchase and all uses	Yes	Yes	No ⁴	No ⁵	No
Purchase must be recorded by Vendor	Yes	Yes	Yes	No	No
Dispenser certificate required for selling pesticides	Yes	Yes	Yes	Yes	No
Vendor licence required for selling pesticides	Yes	Yes	Yes	Yes	No
User licence required for pesticide uses conducted on a fee-for- service basis	Yes	Yes	Yes	Yes	No
Pesticide user licence required for use on specified private or public lands for specified purposes to a defined maximum area per year	Yes	Yes	Yes	Yes	No
Pest Management Plan and confirmation of receipt of pesticide use notice (PUN confirmation) required for specified pesticide use and lands	Yes	Yes	Yes	Yes	No
Applicator certificate required to supervise pesticide use by the holder of a licence, permit or PUN confirmation	Yes	Yes	Yes	Yes	No
Pesticide use permit required for uses of high concern (e.g., aerial application over urban or residential areas)	Yes	Yes	Yes	Yes	Yes
Use must not cause an unreasonable adverse effect	Yes	Yes	Yes	Yes	Yes

⁴ Applicators should always refer to the product label. Some Commercial class pesticides will specify that a pesticide applicator certificate is required for certain uses.

⁵ Residents generally require a residential applicator certificate to apply Domestic class pesticides to their property for the purposes of landscaping, where municipal bylaws permit the use. Some exceptions apply (see section 3.4)

The Regulation lists the following excluded pesticides:

1. acetic acid (DOMESTIC)
2. animal repellents (DOMESTIC and COMMERCIAL) except thiram
3. anti-fouling paints (DOMESTIC and COMMERCIAL)
4. antisapstain wood preservatives used on private, industrial land owned by the company or person responsible for applying the preservatives (COMMERCIAL)
5. asphalt solids used as pruning paints (DOMESTIC and COMMERCIAL)
6. bactericides used in petroleum products (DOMESTIC and COMMERCIAL)
7. boron compounds (DOMESTIC)
8. boron compounds formulated with up to 5 % copper for insect control and wood preservation (DOMESTIC and COMMERCIAL)
9. capsaicin (DOMESTIC, COMMERCIAL and RESTRICTED)
10. cleansers (DOMESTIC and COMMERCIAL)
11. corn cellulose (DOMESTIC and COMMERCIAL)
12. corn gluten (DOMESTIC and COMMERCIAL)
13. deodorizers (DOMESTIC and COMMERCIAL)
14. d-phenothrin (DOMESTIC)
15. d-trans-allethrin, also referred to as d-cis, trans allethrin (DOMESTIC)
16. fatty acids (DOMESTIC and COMMERCIAL)
17. ferric phosphate (DOMESTIC and COMMERCIAL)
18. ferrous sulphate (DOMESTIC and COMMERCIAL)
19. formic acid (DOMESTIC and COMMERCIAL)
20. hard surface disinfectants (DOMESTIC and COMMERCIAL)
21. insect repellents (DOMESTIC)
22. insect semiochemicals, including pheromones, kairomones, attractants and repellants (DOMESTIC and COMMERCIAL)
23. insecticides sold and used in tamper-resistant bait stations (DOMESTIC)
24. kaolin (DOMESTIC and COMMERCIAL)
25. laundry additives (DOMESTIC and COMMERCIAL)
26. material preservatives (DOMESTIC and COMMERCIAL)
27. methoprene (DOMESTIC)
28. mineral oils for insect and mite control (DOMESTIC)
29. naphthalene for fabric protection (DOMESTIC)
30. n-octyl bicycloheptene dicarboximide (DOMESTIC)
31. octenol (DOMESTIC and COMMERCIAL)
32. oxalic acid (DOMESTIC and COMMERCIAL)
33. paradichlorobenzene for fabric protection (DOMESTIC)
34. pesticides in aerosol containers (DOMESTIC)
35. pesticides registered under the federal Act for application to pets (DOMESTIC & COMMERCIAL)
36. piperonyl butoxide (DOMESTIC)
37. plant growth regulators (DOMESTIC)
38. polybutene bird repellents (DOMESTIC and COMMERCIAL)
39. pyrethrins (DOMESTIC)
40. resmethrin (DOMESTIC)
41. silica aerogel, also referred to as silica gel, amorphous silica and amorphous silica gel (DOMESTIC & COMMERCIAL)
42. silicon dioxide, also referred to as “diatomaceous earth” (DOMESTIC and COMMERCIAL)
43. slimicides (COMMERCIAL)
44. soaps (DOMESTIC and COMMERCIAL)
45. sulphur, including lime sulphur, sulphide sulphur and calcium polysulphide (DOMESTIC)
46. surfactants (DOMESTIC and COMMERCIAL)
47. swimming pool algicides and bactericides (DOMESTIC and COMMERCIAL)

- 48. tetramethrin (DOMESTIC)
- 49. thymol (DOMESTIC and COMMERCIAL)
- 50. wood preservatives (DOMESTIC)
- 51. zinc strips (DOMESTIC)

2.5 Schedule 5 Pesticides

Schedule 5 is a list of pesticides that residents and property managers can use in private landscaped areas (municipal bylaws permitting) **without** a licence or certificate. Pesticides listed in Schedule 5 (see list below) are Domestic class pesticides that are generally considered safe for use by untrained people. The active ingredients on this list were selected by considering such factors as whether they are: living organisms or metabolites of living organisms; composed of substances commonly found in environments humans inhabit; components of food; or substances with a physical (and non-toxic) mode of action.

Vendors require a licence to sell Schedule 5 pesticides, and these must be displayed in a manner that restricts customer access (see section 3.3). In addition, when selling Schedule 5 pesticides, certified staff must carry out the duties described in section 3.4.

A licence is required when offering the service of applying Schedule 5 pesticides, or to apply Schedule 5 pesticides to public land or multi-residence properties (four or more living units).

The Regulation lists the following pesticides for which no licence or certificate is required for certain uses (Schedule 5):

- 1. *Bacillus sphaericus*, also referred to as Bs (DOMESTIC)
- 2. *Bacillus subtilis* (DOMESTIC)
- 3. *Bacillus thuringiensis* var. *israelensis*, also referred to as Bti (DOMESTIC)
- 4. *Bacillus thuringiensis* var. *kurstaki*, also referred to as Btk (DOMESTIC)
- 5. citric acid (DOMESTIC)
- 6. copper (oxychloride and tribasic only) (DOMESTIC)
- 7. FeHEDTA (DOMESTIC)
- 8. ferric sodium (DOMESTIC)
- 9. garlic (DOMESTIC)
- 10. lactic acid (DOMESTIC)
- 11. *Phoma macrostoma* (DOMESTIC)
- 12. pyriproxyfen (DOMESTIC)
- 13. *Sclerotinia minor* (DOMESTIC)
- 14. sodium chloride (DOMESTIC)
- 15. spinosad (DOMESTIC)

2.6 Using pesticides in private landscaped areas

The use of pesticides in public land and multi-residence properties (four or more living units) requires a licence and must be conducted by trained people as part of an IPM program. In addition, the use of most pesticides in **private** landscaped areas requires either a certificate (for residents) or a licence (for commercial properties and service providers). This includes use on lawns, flower beds, and ornamental trees and shrubs, on such properties as single or multi-family homes (one to three living units), golf courses, botanical gardens and cemeteries.

There are certain situations where residents and commercial operators (e.g., golf course managers and gardeners) may use Domestic class formulations of glyphosate on their own property without a certificate or licence. These include the treatment of: weeds growing through cracks in hard surfaces such as driveways, sidewalks, paths, etc.; plants that are poisonous to humans by touch (e.g., poison ivy or poison oak); and classified noxious weeds or invasive plants.

3. Information for Pesticide Vendors (Licensees)

3.1 Who requires a pesticide vendor licence?

A pesticide vendor licence is required to sell non-excluded pesticides. The definition of “sell” includes “barter, distribute, offer, expose, advertise or possess for the purpose of selling.” A person purchasing a pesticide that is intended to be sold (i.e., from a wholesaler or manufacturer) must hold a valid pesticide vendor licence.

Who does not require a licence?

A licence is not required by a person who:

- ◆ Sells only excluded pesticides (i.e., those listed on Schedule 2);
- ◆ Sells a pesticide only as an employee or contractor of a licensee;
- ◆ Is a manufacturer of pesticides, or a manufacturer’s agent, and supplies a pesticide to a pesticide wholesaler;
- ◆ Is a wholesaler of pesticides and supplies pesticide to a vendor licensee or a veterinarian;
- ◆ Is a wholesaler of pesticides and returns pesticide to its manufacturer or the manufacturer’s agent;
- ◆ Is a veterinarian, or an individual under direction of a veterinarian, who sells a pesticide for the treatment of animal pests; or
- ◆ Is a user licensee or confirmation holder who sells surplus pesticide to a user licensee, confirmation holder or holder of an appropriate certificate (if the seller notifies the Administrator of the sale).

<p>A licence is not required for the sale or use of Schedule 2 pesticides.</p>

As well as prescribing pesticide vendor licences, the Regulation includes provisions for pesticide user service and pesticide user non-service licences. Those wishing detailed definitions and particulars concerning licence categories and requirements may view the [Sector Review Papers](#) posted on the [IPM Program website](#).

3.2 How do I apply for a pesticide vendor licence?

To be eligible for a licence, an applicant must maintain a business location in British Columbia for doing business in the province, and hold (or employ a person who holds) appropriate certification under the Regulation. An applicant must provide information to the ministry concerning: the name and place of business; each business address where pesticides are intended to be sold; a principle contact; classes of pesticides intended to be sold (domestic or commercial/restricted/permit-restricted); certified staff members; term requested; and payment information.

Information on how to obtain licence application forms or assistance in completing the forms and where to send them is included in Appendix I of this Review Paper.

What are the terms and fees for a pesticide vendor licence?

An applicant may request a licence term of up to five years. A “year” means the period from the date a licence is issued until March 31 in the next calendar year. A full year fee is required for any portion of the year to which the application relates (i.e., fees are not prorated).

If an applicant sells only domestic pesticides or sells less than 100 kg a year of commercial, restricted and permit-restricted pesticides, the licence fee is: **\$250 per year**.

If an applicant sells 100 kg or more a year of commercial, restricted and permit-restricted pesticides, the licence fee is: **\$1,000 per year**. (For this fee a Vendor can also sell any amount of domestic pesticides.)

A licensee is required to give notice to the Administrator within 30 days of a change that has the effect of increasing the fee payable in relation to the licence, and to accompany the notice with the appropriate fee (e.g., if in any year within the term of a licence, a licensee moves from selling less than 100 kg of commercial pesticides to more than 100 kg, the licensee must submit a notice informing the Administrator, accompanied by an additional fee payment of \$750 for the year in which the increase occurred).

3.3 What conditions must a pesticide vendor follow?

A vendor licensee must ensure that a certified individual performs the required duties when a pesticide is offered for sale and that copies of the certificates held by certified individuals are available at the place of business for inspection.

A licensee may not sell a pesticide to an individual who is under 16 years of age. A permit-restricted or restricted pesticide may only be sold to a person who holds a certificate in the appropriate category, or is the agent of an individual who holds a certificate in the appropriate category. In addition, a permit-restricted pesticide may only be sold to a person who holds a permit for the use of the pesticide in question, or is the agent of an individual who holds a permit.

The Administrator may suspend or revoke a licence for failure to comply with the Regulation. A licence is not transferable without the written authorization of the Administrator and a licensee may only sell pesticides (in accordance with the terms specified by the licence) at the place of business identified on the licence application. The Administrator is to be informed of a change of address in the licensee's place of business within 30 days of the change.

All licence holders are required to ensure compliance with standards for protection of human health and the environment, specified in the Act and Regulation.

What are the standards for containment, transport or storage of a pesticide by vendors?

Any person storing, transporting or selling a pesticide must do so in a manner that minimizes hazards to human health and the environment.

A pesticide must be kept in the container in which it was originally packaged and with the label originally affixed by the manufacturer. Pesticides must be transported in a manner: that is sufficient to prevent escape, discharge or unauthorized removal of the pesticide from the transport vehicle; and that prevents contamination of food or drink intended for human or animal consumption, or of household items such as furnishings, clothes, toiletries, or bedding.

Domestic pesticides must be stored and displayed separately from food intended for human or animal consumption. In addition, domestic pesticides (including those listed on Schedule 5) must be displayed in a manner that restricts customer access, for example, behind a counter or in a locked cabinet.

Pesticides other than domestic or excluded pesticides must be stored and displayed in a storage facility that is:

- ◆ Separated from (and not used for storage of) food intended for human or animal consumption;
- ◆ Separated from the other areas of the vendor's business premises by floor to ceiling walls constructed of wood, fibreboard, plastic, brick or other solid material;
- ◆ Ventilated so that pesticide vapours are vented outside; and
- ◆ Entered from the outside (or, if the entry is inside, has a self-closing door), locked when unattended and accessible only to persons authorized by the person storing the pesticide.

Each door providing access to a pesticide storage facility must have a sign that is clearly visible to a person approaching, with the words "WARNING: CHEMICAL STORAGE – AUTHORIZED PERSONS ONLY" written in block letters. Fumigants and other pesticides that either release vapours or bear a "poison" symbol on the label must be stored in a facility that is not attached to or within a building used for living accommodations.

3.4 What certified staff is a pesticide vendor required to engage and what are their specified duties?

The terms of a pesticide vendor licence require a licensee to ensure that a "certified individual" (i.e., one holding a pesticide dispenser certificate for the appropriate class of pesticides) performs the following duties:

- ◆ Assist with pesticide handling, storage and emergency response in the vendor outlet;
- ◆ Advise each pesticide purchaser that they may lawfully use the pesticide only for the use described in the label and in accordance with the instructions on that label;
- ◆ Offer to provide advice to each pesticide purchaser in relation to pest management and the safe use of the pesticide;
- ◆ Confirm that the intended use of the pesticide is appropriate according to the label directions;
- ◆ Inform the customer that a provincial licence or certificate may be required to use the product; and
- ◆ Inform the customer that municipal bylaws may restrict the use of the pesticide.

3.5 How can a pesticide dispenser certificate be obtained and renewed? What fees are required? What are the terms of the certificate?

To be eligible for certification (valid for a maximum five year term), a person must be at least 16 years of age and have successfully passed the appropriate examination. The certification examination is based on a syllabus set out in the Regulation.⁶ The Administrator may also consider evidence of the applicant having passed an examination of another provincial government, with an additional examination set for the purpose of testing the knowledge of an applicant in relation to the British Columbia *IPM Act* and Regulation.

An applicant for a certificate must note on their application form personal information (including date of birth), the category of certificate being applied for, and the class of pesticides (or uses) requested in

⁶ The Regulation lists ten "certificate examination matters": general pesticide characteristics, Act and Regulations, labeling, human health, pesticide safety, environment, pest management, application technology, emergency response, and professionalism.

relation to the category of certificate. A certificate is not transferable. **The fee is \$90 for each certification examination.**⁷ An applicant is deemed to have forfeited their application and fee if they fail (on two different occasions) to attend an examination for which they have been given notice of time and place.

Study materials for home study or use in classroom training to prepare for certification examinations are available (for specified charges) from the Distribution Centre Victoria of the B.C. Ministry of Technology, Innovation and Citizen's Services. Information on how to obtain study materials and to apply to write an examination is included in Appendix I of this Review Paper.

A certificate is valid on issue for the category endorsed on it, and for a period of up to five years, at the discretion of the Administrator.

A certificate holder must comply with all applicable terms and conditions set out in the Act and Regulation (e.g., standards to minimize hazards to human health and the environment, dispensing requirements, safe handling and reporting). If a certificate holder believes that a contravention of the Act and Regulation in a manner involving the release of pesticide into the environment has occurred, he or she must give written notice to the Administrator as soon as possible after forming that belief. A certificate holder must also ensure that his or her certificate is at or near the place of pesticide sale.

3.6 What are the reporting requirements associated with a pesticide vendor licence?

Within 60 days after starting to store pesticides at a location, a pesticide vendor (licensee) must provide notice of the storage location to the fire department responsible for fire protection at that location.

A licensee must maintain a record of each sale of a commercial, permit-restricted or restricted pesticide. The **record of sale** must include:

- ◆ The date of sale;
- ◆ The purchaser's name, address, telephone number, and (for sales of a restricted or permit-restricted pesticide) the purchaser's applicator certificate number;
- ◆ The certified dispenser's name and certificate number;
- ◆ The pesticide sold, including its trade name and registration number under the federal Act; and
- ◆ The size of the container the pesticide was sold in and the number of containers sold.

A model form for this information has been placed on the IPM program web site ([Pesticide Sales Record](#)). Records must be kept up to date, at the business location identified on the licence application and for a period of three years after the sale or application to which they relate. Records of sale can also be maintained by the vendor in electronic format.

A licensee must prepare and submit a summary of the licensee's sales in a calendar year to the Administrator, by April 1 of the following year.

The **annual summary of pesticide sales** must include, for each commercial, restricted or permit-restricted pesticide sold in the calendar year of the report:

- ◆ The pesticide's trade name;
- ◆ Registration number under the federal Act;
- ◆ Active ingredient; and

⁷ There is no application fee for the Residential Applicator Certificate.

- ◆ Total litres or kilograms of product sold.

3.7 How is the Act enforced? What penalties may be imposed for non-compliance with terms of the Regulation?

Under the Act, the minister may designate specified provincial, federal or local government employees as “inspectors,” with authority to audit for compliance and enforce provisions of the Regulation.

If the Administrator considers that the holder of a pesticide vendor licence or dispenser certificate has not been or is not complying with the Act, the licence or certificate may be revoked or suspended, and the person ordered to refrain from selling a particular pesticide. The Administrator may also restrict the eligibility of the holder to apply for another licence or certificate – for the period of time that the Administrator considers appropriate.

If the Administrator believes on reasonable grounds that a person’s handling, release, transport, storage, or disposal of a pesticide has caused or is likely to cause an unreasonable adverse effect – or that a person has contravened the Act or Regulation – the Administrator may order the person to stop or refrain from the action, or take other actions to assess, repair, clean or decontaminate any premises, equipment or site.

The Act contains provisions for substantive penalties if deemed warranted (for a first offense, up to a maximum of \$200,000 for an individual or \$400,000 for a corporation), as well providing latitude to the Courts for sentencing options (e.g., directing payment of funds or services to environmental restoration). As court prosecution is typically reserved for the most serious offences, the Act also enables an array of additional enforcement tools to respond to individuals or companies who fail to comply with a particular provision of a statute or regulation, an order or the terms of an authorization such as a permit or licence. Administrative penalties are one of these tools. As an administrative rather than criminal type of sanction, administrative penalties are financial penalties calculated and imposed by ministry officials rather than the courts, and are intended to remove the financial benefit, advantage or gain achieved by breaking the rules. This helps to ensure future compliance and may discourage other would-be violators.

Appendix I: Application and Record Forms & Certification Information

Application and Record Forms

Pesticide licence application forms are available by following the links to the ministry's IPM website, or directly, by clicking on the hyperlinks highlighted below.

The ministry IPM Program webpage address is:

<http://www2.gov.bc.ca/gov/content/environment/pesticides-pest-management>.

IPM Forms are all in portable document format (PDF). Adobe Acrobat PDF Reader may be downloaded for free by following the links from www.adobe.com or by clicking the following link ([Download](#)). This software will enable you to read and print the forms.

Application for a Pesticide Licence: to apply for a Pesticide Licence for retail sale of Domestic, Commercial or Restricted label pesticides, for the application of pesticides as a service / business, and for non-service pesticide uses prescribed by the *Integrated Pest Management Act* Regulation.

[Licence Application Form](#)

Application forms or information for completing the forms can also be obtained by contacting the Business Services Branch – IPM Authorization Officer in Victoria at 250 387-9505. Forms may be ordered by mail from the following address:

Pesticide Licence Processing
Ministry of Environment
PO Box 9377 Stn Prov Govt
Victoria, BC V8W 9M1

Application forms may be returned to the ministry by mail or fax. The fax number is (250) 356-0299 in Victoria.

The following links provide an explanation and templates for recording and reporting pesticide use:

Pesticide Sales Record: for Pesticide Vendors to record information for each sale of Commercial and Restricted Labeled pesticides.

[Pesticide Sales Record](#)

Annual Summary of Reportable Pesticide Sales: to record total quantities of Commercial and Restricted label pesticides sold in the last calendar year, to be submitted with the annual licence renewal application form by Pesticide Vendors.

[Annual Sales Summary](#)

Pesticide Certification Information

Pesticide certification for dispensers and applicators must be in the appropriate category (see [certificate category](#) descriptions). There is a separate study kit and exam for each category.

Study Materials

Order study materials for the selected certification category from the B.C. Government's Distribution Centre (located in Victoria, B.C.). See the list of study kit contents and prices for each category on the second page of the [Order Form](#) (PDF: 116 KB / 2 pages).

It is usually easiest to order study materials by telephone and pay by credit card. Call 1-800-282-7955 (or 250-952-4460 outside of BC).

To fax or mail in your order, use the [Order Form](#).

Note:

- ◆ The study materials for most certification categories include a core manual which is the same for several categories, as well as category specific booklets.
- ◆ If you require certification in more than one category, you do not need to order duplicate materials.
- ◆ Any item can be ordered by itself, if you are missing that item or for purposes other than certification.

If you have a study kit that is more than one year old, check the appropriate certificate category for a list of the current editions ([certificate categories](#)) to find out if any documents have been revised, before using it to study for the certification exam. Order updated versions if yours have been revised.

Certification Examinations

When you have obtained the study materials and are prepared to write the exam, read the [exam instructions](#) enclosed with the study materials. Candidates can arrange to write the B.C. certification exam at many government agents' offices and some colleges across B.C., and also outside of B.C., as listed in the exam instructions.

The fee for writing an examination is \$90⁸, to be sent with the exam application – not when ordering study materials.

⁸ There is no application fee for the Residential Applicator Certificate

Appendix II: Compliance Checklist and Legislative References

The following checklist provides a summary of key requirements of pesticide vendors under the *IPM Act* and Regulation. A similar list will be used by ministry compliance officers when inspecting facilities where pesticides are stored and/or sold. Pesticide vendors may consider using the checklist as a guide to ensure that they are fulfilling their responsibilities under the legislation.

Compliance Requirements	Yes	No
1. Are non-excluded pesticides sold? (If yes, a vendor licence is required) (If only excluded pesticides are sold, a vendor licence is not required)		
2. Is the vendor licence current?		
3. Is the vendor licence available for inspection?		
4. Are all dispenser certificates for all certified staff current and available for inspection?		
5. Do certified dispensers advise all pesticide purchasers of the requirement to follow the pesticide label (for non-excluded pesticides)?		
6. Do certified dispensers offer to provide advice to all pesticide purchasers on pest management and the safe use of the pesticide (for non-excluded pesticides)?		
7. Do certified dispensers confirm that the intended use of the pesticide is appropriate according to the label directions?		
8. Do certified dispensers inform customers that a provincial licence or certificate may be required to use the pesticide?		
9. Do certified dispensers inform customers that municipal bylaws may restrict the use of the pesticide?		
10. Are records of sales in compliance with the Regulation? a. Date of sale, purchaser’s name, address and phone number b. Certified dispenser’s name and certificate number c. Applicator’s certificate number (for sales of a restricted or permit-restricted pesticide) d. Pesticide trade name, PCP Number, container size, number of containers sold		
11. Are any pesticide containers leaking product?		
12. Is any pesticide packaging compromised or defective?		
13. Are pesticides kept in their original packaging?		
14. If any pesticide is not in its original packaging, is it labeled appropriately? Trade name, PCP number, active ingredient and concentration		

Compliance Requirements	Yes	No
15. Are all commercial and restricted pesticides stored and/or displayed in an appropriate manner? a. Fumigants and pesticides that release vapours and bear a poison symbol on their label are stored in a facility that is not attached to or within a building used for living accommodation b. Storeroom has walls from floor to ceiling and is constructed of wood, fibreboard, plaster, brick or other solid material c. Outside entry has a locked door d. Inside entry has a self-closing door e. Pesticide vapours are ventilated to the outside f. Pesticides are stored in accordance with container and labeling standards g. Storage area is locked when unattended and accessible only to authorized persons h. Storage sign posted on each access door: “WARNING CHEMICAL STORAGE – AUTHORIZED PERSONS ONLY”		
16. Are domestic pesticides stored and displayed in a manner that separates them from food intended for human or animal consumption?		
17. Are domestic pesticides displayed in a manner that restricts customer access?		
18. Have applicable fire departments been notified by the vendor about the locations where pesticides are being stored and/or sold?		
Desirable Items:		
19. Is appropriate chemical spill kit material readily available on site?		
20. Is information available regarding appropriate use and safety precautions for bait stations?		

The following sections of the *IPM Act* and Regulation are of particular relevance to pesticide vendors:

Integrated Pest Management Act:

- Section 3 (1)(a).* A person must not sell a pesticide in a manner that causes, or is likely to cause, an unreasonable adverse effect.
- Section 3 (1)(b).* A person must not use, handle, release, transport, store, dispose of or sell a pesticide other than in accordance with the Act and/or Regulation.
- Section 3 (1)(c).* A person must not store or dispose of a pesticide in a manner that does not accord with the manner specified on the label.
- Section 4 (1).* A person must not sell, or offer to sell, a non-excluded pesticide without possessing a valid pesticide vendor licence.
- Section 5 (3).* A licensee who sells a prescribed class of pesticides must ensure that a certified dispenser performs all duties relating to pesticide sales required by the regulation.
- Section 21(1).* A person must not interfere with an inspector’s right to enter lands, premises, inspect vehicles and/or seize items in accordance with Sections 17, 18 and 20 of the Act.

Integrated Pest Management Regulation:

- Section 31 (e).* A licensee must provide notice to the closest fire department within 60 days after starting to store pesticides at a location.
- Section 33 (1)(a).* A person must store pesticides in a manner that minimizes hazards to human health and the environment.

- ❑ *Section 34 (1)(a)*. A licensee who sells pesticides must keep a record of each sale of a commercial, restricted or a permit-restricted pesticide.
- ❑ *Section 34 (2)*. A licensee who sells pesticides must maintain complete records of the sale of pesticides, other than excluded or domestic pesticides, as required.
- ❑ *Section 46 (3)(a)(i)*. A licensee selling non-excluded pesticides must ensure that a certified dispenser advises pesticide purchasers that the pesticide use must be in accordance with label directions
- ❑ *Section 46 (3)(a)(ii)*. A licensee selling non-excluded pesticides must ensure that a certified dispenser advises each customer that a provincial licence or certificate may be required to use the pesticides and that municipal bylaws may restrict the use of the pesticide
- ❑ *Section 46 (3)(a.1)*. A licensee selling non-excluded pesticides must ensure that a certified dispenser asks the customer what they intend to use the pesticide for and take reasonable steps to confirm that the pesticide is appropriate for the intended use or refuse to sell the pesticide to the customer if they do not provide sufficient information to confirm that the pesticide is appropriate for the intended use.
- ❑ *Section 46 (3)(b)*. A licensee selling non-excluded pesticides must ensure that a certified dispenser pesticide offers to provide advice to pesticide purchasers on pest management and the safe use of pesticides
- ❑ *Section 48 (b)*. A licensee must have available for inspection at the place and time a pesticide is sold, a copy of the certificate of a dispenser performing duties under Section 46 in relation to pesticide sales.
- ❑ *Section 48 (c)*. A licensee may not sell a pesticide to an individual who has not reached 16 years of age.
- ❑ *Section 48 (d)*. A licensee may sell or distribute a permit-restricted or restricted pesticide only to a person who holds an appropriate applicator certificate, or is an agent of a person with an applicator certificate.
- ❑ *Section 48 (e)*. A licensee may sell or distribute a permit-restricted pesticide only to a purchaser who holds an appropriate permit, or is the agent of someone who holds such a permit.
- ❑ *Section 50 (2)*. An individual performing duties required under Section 46 (3) must hold a pesticide dispenser certificate endorsed for the class of pesticide being dispensed.
- ❑ *Section 65 (1)*. Pesticides must be stored in their original container with the original label attached, or in a container with a label that displays the trade name of the pesticide, the name and concentration of the active ingredient of the pesticide and the pesticide's registration number under the federal Act.
- ❑ *Section 66 (1)(a)*. Pesticides, other than excluded or domestic pesticides, must be stored in a manner that separates them from food intended for human or animal consumption.
- ❑ *Section 66 (1)(b)*. Pesticides, other than excluded or domestic pesticides, must be stored in an appropriate storage facility.
- ❑ *Section 66 (2)*. Each door providing access to a storage facility must bear a sign that has the words "WARNING: CHEMICAL STORAGE – AUTHORIZED PERSONS ONLY" written in block letters and is clearly visible to a person approaching the door.
- ❑ *Section 66 (3)*. Fumigants, and other pesticides that release vapours **and** bear a "poison" symbol, must be stored in a facility that is not attached to, or within, a building used for living accommodation.
- ❑ *Section 67*. Pesticides, other than domestic or excluded pesticides, must be stored in a facility that: is separated from the other areas of the vendor's business premises by floor to ceiling walls constructed of wood, fibreboard, plaster, brick or other solid materials; is ventilated so that pesticide vapours are vented to the outside; and is entered from the outside or has self-closing doors (if the entry is inside). Domestic pesticides must be stored and displayed separately from human and

animal food and in a manner that prevents the public from accessing the pesticides without the assistance of a certified dispenser.